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HOUSE BILL 343

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Larry A. Larrañaga

AN ACT

RELATING TO INTERPRETERS; CHANGING THE AGENCY RESPONSIBLE FOR
MAINTAINING THE LIST OF QUALIFIED INTERPRETERS FOR DEAF AND
HARD-OF-HEARING PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 38-9-1 NMSA 1978 (being Laws 1979,
Chapter 263, Section 1) is amended to read:

"38-9-1. SHORT TITLE.--~~[This act]~~ Chapter 38, Article 9
NMSA 1978 may be cited as the "Deaf Interpreter Act"."

Section 2. Section 38-9-3 NMSA 1978 (being Laws 1979,
Chapter 263, Section 3) is amended to read:

"38-9-3. INTERPRETER REQUIRED.--If a deaf person who is a
principal party in interest has provided notice and proof of
disability, if required, pursuant to Section ~~[6 of the Deaf~~
~~Interpreter Act]~~ 38-9-6 NMSA 1978, the appointing authority

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1 shall appoint an interpreter, after consultation with the deaf
2 person, to interpret or to translate the proceedings to [~~him~~]
3 the person and to interpret or translate [~~his~~] the person's
4 testimony. Interpreters may be selected from current lists of
5 interpreters provided by the [~~vocational rehabilitation~~
6 ~~division~~] commission for deaf and hard-of-hearing persons for:

7 A. interpreters certified by the national registry
8 of interpreters for the deaf; or

9 B. other interpreters qualified through [~~joint~~]
10 action [~~and agreement~~] of the [~~vocational rehabilitation~~
11 ~~division, the New Mexico registry of interpreters for the deaf,~~
12 ~~incorporated, and the New Mexico association of the deaf; or by~~
13 ~~nomination of a person by the deaf person or the appointing~~
14 ~~authority who is acceptable to both~~] commission for deaf and
15 hard-of-hearing persons."

16 Section 3. Section 38-9-6 NMSA 1978 (being Laws 1979,
17 Chapter 263, Section 6) is amended to read:

18 "38-9-6. NOTICE--PROOF OF DISABILITY.--Every deaf person
19 whose appearance at a proceeding entitles [~~him~~] the person to
20 an interpreter shall notify the appointing authority of [~~his~~]
21 the person's disability at least two weeks prior to any
22 appearance and shall [~~then~~] request the services of an
23 interpreter. An appointing authority may require a person
24 requesting the appointment of an interpreter to furnish
25 reasonable proof of [~~his~~] the person's disability when the

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1 appointing authority has reason to believe that the person is
2 not so disabled. Reasonable proof shall include but not be
3 limited to a statement from a doctor, an audiologist, the
4 vocational rehabilitation division of the public education
5 department, the commission for deaf and hard-of-hearing persons
6 or a school nurse ~~[which]~~ that identifies the person as deaf or
7 as having hearing so seriously impaired as to prohibit ~~[him]~~
8 the person from understanding voice communications."

9 Section 4. Section 38-9-7 NMSA 1978 (being Laws 1979,
10 Chapter 263, Section 7) is amended to read:

11 "38-9-7. COORDINATION OF INTERPRETER REQUESTS.--

12 A. Whenever an appointing authority receives a
13 valid request for the services of an interpreter, the
14 appointing authority shall request the ~~[vocational~~
15 ~~rehabilitation division]~~ commission for deaf and hard-of-
16 hearing persons to furnish ~~[him with]~~ a list of interpreters.

17 B. The New Mexico association of the deaf and the
18 New Mexico registry of interpreters for the deaf are authorized
19 to assist the ~~[division]~~ commission to prepare and continually
20 update a listing of available interpreters. When requested by
21 an appointing authority to provide assistance in providing an
22 interpreter, the ~~[division]~~ commission shall supply a list of
23 available interpreters.

24 C. An interpreter who has been appointed shall be
25 reimbursed by the appointing authority at a fixed rate

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1 reflecting a current approved fee schedule as established by
2 the [~~division~~] commission. Nothing in this section shall be
3 construed to prevent any state department, board, institution,
4 commission, agency or licensing authority or any political
5 subdivision of the state from employing an interpreter on a
6 full-time basis or under contract at a mutually agreed upon
7 compensation rate."

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